

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**ROBERT W. WELSH, d/b/a BIG TEN
DEVELOPMENT,**

Plaintiff,

v.

**BIG TEN CONFERENCE, INC. and
BIG TEN NETWORK SERVICES, LLC,**

Defendants.

Case No. 08 C 1342

Judge Joan B. Gottschall

Magistrate Judge Susan E. Cox

**WELSH'S AMENDED MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Welsh hereby requests leave to file his First Amended Complaint. In support of this motion, Welsh states:

1. On March 5, 2008, Welsh filed his complaint. Before and after filing the complaint, the parties had engaged in discussions and informal discovery. Since filing his complaint, Welsh has been provided with additional information from counsel and will not proceed against Big Ten Network Services, LLC.

2. On April 7, 2008, The Big Ten Conference, Inc. filed its motion to dismiss.

3. For the convenience of the Court and the parties, Welsh now seeks leave to file an Amended Complaint. (Attached hereto as **Exhibit 1**). The amended pleading provides additional factual allegations that will obviate the issues raised by the motion to dismiss and eliminates several earlier counts. Further, Welsh is not asserting any claims against Big Ten Network Services, LLC.

4. Rule 15(a) of the Federal Rules of Civil Procedure provides that a party may amend a pleading by leave of court and "leave shall be freely given when justice so requires."

Welsh respectfully submits that leave is appropriate in this instance: the Amended Complaint will streamline this litigation so that it may proceed as efficiently as possible.

Conclusion

For the foregoing reasons, the plaintiff respectfully requests that leave to file the attached Amended Complaint.

Dated: April 14, 2008

**ROBERT W. WELSH,
d/b/a BIG TEN DEVELOPMENT**

By: /s/ Robert P. Cummins
One of His Attorneys

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